

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION MEETING  
RICHMOND, VIRGINIA

**MINUTES**

October 19, 2000

The Board of Education and the Board of Vocational Education met for the regular business meeting in Lancaster Hall on the campus of Longwood College, Farmville, Virginia, with the following members present:

Mr. Kirk T. Schroder, President	Mrs. Susan L. Genovese
Ms. Susan T. Noble, Vice President	Mrs. Ruby W. Rogers
Senator J. Brandon Bell	Senator John W. Russell
Mrs. Jennifer C. Byler	
Mrs. Audrey B. Davidson	Dr. Jo Lynne DeMary
	Superintendent of Public Instruction

Mr. Schroder called the meeting to order at 9:15 a.m.

***INVOCATION AND PLEDGE OF ALLEGIANCE***

Senator Russell requested a moment of silence for the military personnel who lost their lives aboard the Norfolk-based USS Cole stationed in Yemen. Senator Russell then led in the Pledge of Allegiance.

***APPROVAL OF THE MINUTES OF THE BOARD***

Mrs. Byler made a motion to approve the minutes of the September 28, 2000 meeting of the Board. Copies of the minutes had been distributed previously to all members of the Board for review. The motion was seconded by Mrs. Genovese and carried unanimously.

***APPROVAL OF AGENDA***

Mrs. Byler made a motion to approve the agenda. The motion was seconded by Mrs. Genovese and carried unanimously.

***CONSENT AGENDA***

The motion was made by Mrs. Byler, seconded by Mrs. Genovese, and carried unanimously for approval of the consent agenda.

- Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List

- Final Review of Recommendations Concerning Applications for Literary Fund Loans
- Final Review of Financial Report on Literary Fund

**Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List**

The Department of Education's recommendation that funding for five projects in the amount of \$10,600,000 be deferred and the projects placed on the First Priority Waiting List was accepted by the Board of Education's vote on the consent agenda.

**First Priority Waiting List**

COUNTY, CITY, OR TOWN	SCHOOL	AMOUNT
Essex County	Tappahannock Elementary	\$4,600,000.00
Portsmouth City	New John Tyler Elementary	4,000,000.00
Chesapeake City	Great Bridge Intermediate	520,000.00
Chesapeake City	Butts Road Intermediate	740,000.00
Chesapeake City	Greenbrier Intermediate	740,000.00
	<b>TOTAL</b>	<b>\$10,600,000.00</b>

**Final Review of Recommendations Concerning Applications for Literary Fund Loans**

The Department of Education's recommendation for approval of five new applications in the amount of \$10,600,000 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, *Code of Virginia*, was accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY, OR TOWN	SCHOOL	AMOUNT
Essex County	Tappahannock Elementary	\$4,600,000.00
Portsmouth City	New John Tyler Elementary	4,000,000.00
Chesapeake City	Great Bridge Intermediate	520,000.00
Chesapeake City	Butts Road Intermediate	740,000.00
Chesapeake City	Greenbrier Intermediate	740,000.00
	<b>TOTAL</b>	<b>\$10,600,000.00</b>

**Final Review of Financial Report on Literary Fund**

The Department of Education's recommendation for approval of the financial report on the status of the Literary Fund as of July 31, 2000 was accepted by the Board of Education's vote on the consent agenda.

***GREETINGS AND COMMENTS FROM DR. PATRICIA CORMIER, PRESIDENT OF LONGWOOD COLLEGE***

Dr. Patricia Picard Cormier, president of Longwood College, welcomed the Board members to Longwood College and invited them to tour the campus and meet some of the Longwood people.

Dr. Cormier said the Virginia Board of Education and Longwood College have something important in common: a shared value system that puts a high priority on the education of the citizens of the commonwealth.

Following are a few facts Dr. Cormier gave on Longwood College:

1. Longwood was founded in 1839 and was the first all female educational institution in the state, which makes it the third oldest public institution in Virginia and the second oldest women's institution in the United States.
2. Today, Longwood is a comprehensive institution and started admitting men in 1976.
3. Longwood has 3,900 students, making it the highest enrollment in Longwood's history
4. Longwood was the first institution in Virginia to require laptop computers.
5. Longwood is the only college that requires internship for all majors.
6. Longwood has been ranked by SCHEV as having the second-highest job placement rate in the commonwealth.
7. Longwood prepares citizen leaders for the common good of society.

Dr. Cormier also talked about the teacher preparation program and the technology-training program for existing teachers. She said, "Touching the lives of families throughout the commonwealth is what Longwood College is about."

***RESOLUTION OF APPRECIATION***

Mr. Schroder presented a Resolution of Appreciation to Dr. Cormier and the staff at Longwood College. He also presented a Virginia flag in honor of Dr. Cormier's leadership, and he requested that it be flown on the Longwood campus.

Mrs. Davidson asked Dr. Cormier about the Teachers for Tomorrow Program. Dr. Cormier said that Longwood offers a two-credit course to juniors and seniors at various high schools across the commonwealth. This course is offered to students who think they want to go into the teaching profession. Dr. Cormier recognized Dr. David Smith, Dean, School of Education and Human Services, who works with the teacher preparation program.

***ACTION/DISCUSSION ON REGULATIONS OF THE BOARD OF EDUCATION***

***First Review of Additional Revisions to Vocational Education Regulations (8 VAC 20-120)***

Dr. Neils Brooks, director of career and technical education at the Department of Education, presented this item. Dr. Brooks directed the Board's attention to Section 8 VAC 20-120-150: Maximum Class Size. After a brief discussion, Ms. Noble made a motion to waive first review, accept for final review, and authorize the Department of Education to continue the procedure as specified in Virginia's Administrative Process (APA). The motion was seconded by Mrs. Rogers and carried unanimously.

***First Review of Emergency Regulations Governing the Criteria for Determining, Biennially, Critical Shortage Areas of Awarding Virginia Teaching Scholarship Loans***

Dr. Thomas Elliott, assistant superintendent of teacher education and licensure presented this item. Dr. Elliott explained that House Bill 1404, enacted by the 2000 Session of the Virginia General Assembly, stipulated that the Board of Education shall establish, in regulation, criteria for determining, biennially, critical teacher shortage areas for awarding scholarships pursuant to section 22.1-212.2:1 of the *Code of Virginia*. The criteria shall include such factors as the needs in teacher endorsement areas among the several school divisions of the commonwealth, teacher shortages at the elementary and secondary grade levels, and teacher shortages in rural and urban regions of the commonwealth. The Program (Virginia Teaching Scholarship Loan Program) shall be administered by the Board of Education, which shall promulgate such regulations as may be necessary for the implementation of the Program.

Dr. Elliott said that comprehensive teacher shortage surveys were conducted in 1989, 1993, and in 1998, at the request of the General Assembly. The data used to define the 1999-2000 critical shortage areas came out of a survey conducted in conjunction with the Virginia Tech Center for Survey Research. As a result of these recent surveys, the critical shortage areas in Virginia are in all areas of special education, mathematics, technology education, chemistry, earth science, physics, and foreign languages.

Mrs. Rogers made a motion to waive first review and adopt the Emergency Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program. The motion was seconded by Ms. Noble and accepted unanimously.

***Final Review of Regulations Establishing an Endorsement Area in American Sign Language (8 VAC 230-21)***

Senator Russell made a motion to adopt the amendment to the Licensure Regulations for School Personnel to establish an endorsement area in American Sign Language. The motion was seconded by Mrs. Byler and carried unanimously.

**Final Review of Regulations Governing Substitute Teachers (8 VAC 20-640)**

Ms. Noble made a motion to adopt the Regulations Governing Substitute Teachers. The motion was seconded by Mrs. Davidson and carried unanimously.

**Final Review of Regulations Establishing the “Career Switcher” Alternative Route to Licensure for Military Personnel (8 VAC 20-21)**

In response to the 1999 Appropriation Act (Item 127.D) and Senate Joint Resolution 384, a study of alternative routes to licensure, specifically reviewing Texas and New Jersey programs, was completed and submitted to the Board of Education and the General Assembly. The study concluded that a task force should be convened to develop a model program to enhance the alternative route to licensure in Virginia for military personnel, as well as for other career professionals desiring to teach.

The Board of Education approved an amendment to the Licensure Regulations for School Personnel to establish a “career switcher” alternative route to licensure for military personnel and authorized the Department of Education to proceed with the requirements of the Administrative Process Act.

The “career switcher” program is applicable to all teaching areas except special education. Two demonstration pilot programs for military personnel, funded by the General Assembly, were approved for implementation during the 2001-2002 school year. A comprehensive report of the “career switcher” pilot programs for military personnel will be presented to the Board at its November 2000 meeting.

Mr. Schroder commended Dr. Elliott and his staff for doing an outstanding job.

Mrs. Rogers made a motion to adopt the amendment to the Licensure Regulations for School Personnel to establish an alternative route to licensure for military personnel. The motion was seconded by Ms. Noble and carried unanimously.

**Final Review of Proposed Revisions to Regulations Governing Special Education Programs for Children with Disabilities in Virginia (8 VAC 20-80)**

Mr. Doug Cox, acting assistant superintendent for instructional support services at the Department of Education, presented this item.

The state special education regulations are being revised to comport with new requirements under the 1997 amendments to the Individuals with Disabilities Education Act (IDEA). State policies and procedures must comply with the IDEA in order for Virginia to remain eligible for federal funding under Part B of the statute. For the 2000-2001 year, Virginia’s Part B allocation is expected to be approximately \$130.7 million.

Mr. Cox recognized Dr. Lisa Power-deFur, associate director of student services at the Department of Education, for her leadership in working on the special education document for the past two years.

For the purpose of discussion, Senator Russell made a motion to adopt the revisions to the Regulations Governing Special Education Programs for Children with Disabilities in Virginia. The motion was seconded.

The Board discussed the most important changes made to the document since the last proposal.

The following amendments/changes were discussed:

**8 VAC 20-80-54      Evaluation**

*Page 39, Line 7:*

Senator Russell made a motion to remove the phrase “one business day” and substitute “two business days.” The motion was seconded and carried unanimously.

The new language is: require *that a copy of the evaluation report be available to parents at least two business days before the meeting to determine eligibility.*

Mr. Schroder proposed the following amendment to replace the language in 8 VAC 20-80-40. B.10 and B.11 and add B.12, as follows:

**8 VAC 20-80-40      Responsibility of Local School Divisions and State-Operated Programs.**

B. Each local school division shall ensure that all children with disabilities, aged two to 21, inclusive, residing in that school division have a right to a free appropriate public education including:

10. Children with disabilities who are placed for non-educational reasons and are not physically present in the school division, but whose parent or parents continue to reside in the local school division in accordance with 22.1-3 of the *Code of Virginia*.

a. For the purpose of determining residency, the residence of the child with a disability shall be determined as follows:

- (1) A child with a disability placed for non-educational reasons in a nursing facility, a long stay hospital, or an intermediate care facility for the mentally retarded, under funding from the Virginia of Medical Assistance Services, is a resident of the division where the parent or parents reside, unless the child is in a state-operated program;
- (2) A child with a disability placed for non-educational reasons in a group home by a community services board or court of competent jurisdiction, is a resident of the division where the parent or parents reside, unless the child is in a state-operated program;
- (3) A child with a disability, aged 18 or older, placed for non-educational reasons in a nursing facility, a long stay hospital, or an intermediate care facility for the mentally retarded under funding from the Virginia Department of Medical Assistance Services, and who has been declared legally incompetent or legally incapacitated by a court of competent jurisdiction and

for whom the court has appointed a guardian to make decisions, is a resident of the division where the guardian resides, unless the adult child with a disability is in a state-operated program; and

- (4) A child with a disability, aged 18 or older, placed for non-educational reasons in a group home by a community services board and who has been declared legally incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has appointed a guardian to make decisions, is a resident of the division where the guardian resides, unless the adult child with a disability is in a state-operated program.
- b. If there is a dispute between local school divisions regarding the parent's, parents', or legal guardian's residence, the local school division of the parent's, parents', or legal guardian's last known place of residence is responsible until such dispute is resolved or the parent's, parents', or legal guardian's residence is established in another local school division.

11. Children with disabilities, aged 18 or older, who have not been declared legally incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has not appointed a guardian to make decisions and who reside in the school division, unless the adult child is in a state-operated program. The adult child's residence shall be the fixed home to which the adult child will return following temporary absence and at which the adult child intends to stay. No adult child shall have more than one residence at a time.

12. Children with disabilities, aged 18 or older who have been declared incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has appointed a guardian to make decisions and guardian resides in the school division, unless the adult child with a disability is in a state-operated program. The adult child's residence shall be the fixed home to which the adult child will return following temporary absence and at which the adult child with a disability intends to stay. No adult child with a disability shall have more than one residence at a time.

Mr. Schroder thanked Mr. Cox and his staff for doing an excellent job on the Special Education document. Mr. Cox recognized the following persons from the Department for their assistance on the Special Education document: Michelle Hathcock-Parker, Specialist, Special Education Complaints and Due Process; Dr. Judy Douglas, Director, Special Programs; and Diane Atkinson, Special Advisor to the Superintendent of Public Instruction. He also recognized Mrs. Joan Murphy, of the Attorney General's Office, for her assistance.

A motion was made to adopt the amended document of the Regulations Governing Special Education Programs for Children with Disabilities in Virginia. The motion was seconded and carried unanimously.

### ***ACTION/DISCUSSION ITEMS***

#### ***First Review of a Proposal to Establish the Massanutten Governor's School for Integrated Environmental Science and Technology to Serve the Counties of Page, Rockingham, and Shenandoah, and the City of Harrisonburg***

Dr. Barbara McGonagill, Specialist, Governor's Schools and Gifted Education at the Department of Education presented this item. She was assisted by Dr. Krista Swensson, coordinator, Massanutten Governor's School for Integrated Environmental

Science and Technology, and Dr. Robert Chappell, Superintendent of Page County Public Schools.

Since July 1998, the divisions of Harrisonburg City, Page County, Rockingham County, and Shenandoah County have received \$50,000 through planning grants from the General Assembly. The Massanutten Governor's School for Integrated Environmental Science and Technology will be a two-year program providing a total of 8 credits of the educational program for gifted high school juniors and seniors who have demonstrated an advanced mastery of the traditional high school curriculum. It shall be comprised of approximately 75 students chosen from the following high schools: Page County High School, Luray High School, Harrisonburg High School, Central High School, Strasburg High School, Stonewall Jackson High School, Broadway High School, Spotswood High School, and Turner Ashby High School. The goal of Massanutten Governor's School is to provide an instructional concentration on regional knowledge that carries students beyond traditional classroom texts into "hands on" and interdisciplinary work.

Based on a complete review of the proposal, the Board of Education accepted for first review the proposal to establish the Massanutten Governor's School.

**First Review of Nominations for Appointments to the Virginia Advisory Committee for the Education of the Gifted**

Dr. McGonagill also presented this item.

The Virginia Advisory Committee for the Education of the Gifted was established by the Board of Education in 1982 to provide the Board and the Superintendent of Public Instruction with recommendations regarding the educational needs of gifted students, K-12. The Advisory Committee meets four times per year at a variety of sites throughout the commonwealth. Its members include parents; board-level designees from professional organizations for the gifted, counselors, superintendents, and teachers; persons from business/industry; a director and an alumna/us of a Governor's School; administrators and teachers of the gifted from school divisions; representatives from higher education; and three at-large members. The 34 members serve rotating three-year terms, under the newly revised bylaws.

Mrs. Genovese made a motion to waive first review and accept the nominations as presented by the Advisory Committee for the Education of the Gifted. The motion was seconded by Mrs. Rogers and carried unanimously.

The resolution reads as follows:

RESOLUTION OF THE BOARD OF EDUCATION:  
APPOINTMENT OF FIVE NEW MEMBERS TO THE VIRGINIA ADVISORY COMMITTEE FOR  
THE EDUCATION OF THE GIFTED

WHEREAS, the Board of Education established the Virginia Advisory Committee for the Education of the Gifted in 1982; and

WHEREAS, the Virginia Advisory Committee for the Education of the Gifted provides the Board of Education and the Superintendent of Public Instruction with recommendations concerning the education of gifted students throughout the commonwealth; and

WHEREAS, the members of the Virginia Advisory Committee for the Education of the Gifted serve three-year terms; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Education will appoint the following members to serve on the Virginia Advisory Committee for the Education of the Gifted for the term September 1, 2000 – June 30, 2003.

Nancy Brittle, Fauquier County Public Schools, Teacher of the Gifted;  
Catherine Cottrell, Farmville, Virginia, Gifted Education Coordinator, Prince Edward County Public Schools;  
Jane Crowther, Reedville, Virginia, Parent, Member Local Advisory Committee for the Education of the Gifted;  
Sylvia Wadsworth, Spotsylvania, Virginia, Commonwealth Governor's School Director; and  
Sheila Winnett, Blacksburg, Virginia Business and Community Representative

Adopted in Farmville, Virginia This 19th Day of October 2000.

### **First Review of Models that Include Research-Based Instructional Methods**

Dr. Patricia Wright, assistant superintendent for instruction at the Department of Education presented this item. Dr. Wright recognized the following for their assistance: Mr. George Irby, director of compensatory education; Dr. James Heywood, director of elementary education; and Dr. Robert Bourdeaux, specialist for Title I, from the Department.

The revised *Regulations Establishing Accrediting Standards for Public Schools in Virginia*, effective September 28, 2000, require schools accredited with warning in English or mathematics to adopt and implement a model that includes research-based instructional methods that have a proven track record of success at raising student achievement.

To help guide the identification and selection of instructional models/methods as provided in 8 VAC 20-131-310.B-E, the following six criteria are proposed.

1. Research foundation: Does the strategy or program have a theoretical or research foundation?
2. Evaluation-based evidence of effectiveness: Does research present convincing documentation, through reliable measures before and after the intervention, that educationally significant improvement in student achievement occurred?
3. Implementation: Does the program explain the essential ingredients necessary to make the program fully operational, including estimates of the costs with respect to time and money, of implementation?

4. Replicability: Has the program been successfully implemented in multiple locations?
5. Correlation to the Virginia Standards of Learning in English or mathematics: Does the content of the program correlate with the Virginia Standards of Learning in English or mathematics?
6. Capacity for technical assistance: Do the program managers have the capacity, in terms of technical assistance, to provide the staff development, consultation, and support necessary for successful implementation in a number of Virginia schools?

A motion was made to accept the proposed selection criteria and list of models for first review. This item will be discussed again at the November Board meeting.

**Final Review of Proposed Amendments to the Bylaws of the Board of Education**

At its meeting on September 28, 2000, the Board of Education considered proposed amendments to Article Ten: Student Advisory Committee of the Bylaws of the Board of Education.

After a brief discussion, the Board amended the last sentence to read as follows:

*The President or a designated Board member shall preside over all meetings of the Student Advisory Committee, which shall meet at least three times a year, with one meeting to coincide with a regularly scheduled Board meeting.*

The resolution reads as follows:

Amending Article Ten: Student Advisory Committee  
Bylaws of the Board of Education

WHEREAS, by vote of the Board of Education, Article Ten of Bylaws of the Board of Education is amended as follows:

**ARTICLE TEN: STUDENT ADVISORY COMMITTEE**

The Board shall have a standing Student Advisory Committee consisting of twelve students, the President, the Secretary and two members of the Board appointed by the President. Student members shall be selected by a committee of the Board appointed by the President. Such student membership shall consist of one high school student from each of the eight Superintendents Regions in the Commonwealth and four middle school students selected at-large from the Commonwealth. The President or a designated Board member shall preside over all meetings of the Student Advisory Committee, which shall meet at least three times a year, with one meeting to coincide with a regularly scheduled Board meeting.

NOW, THEREFORE, BE IT RESOLVED that the Bylaws, as amended, shall become effective immediately and that a copy of the amended Bylaws shall be distributed forthwith to all members;

BE IT FURTHER RESOLVED that copies of the Bylaws of the Board of Education shall be maintained and made available to the public in the appropriate office in the Department of Education.

Adopted in Farmville, Virginia, This Nineteenth Day of October 2000.

Mrs. Genovese made a motion to adopt the proposed amendment. Ms. Noble seconded the motion. The motion passed with seven votes. There was one abstention.

**Presentation of the Results of a State-wide Study on Effective Practices in Virginia Schools**

This item will be presented at the November Board meeting.

***PUBLIC COMMENT***

The following persons spoke during public comment:

Maureen Hollowell  
Melanie Kerneklian  
Richard Kavorkian  
Ben Baronian

***EXECUTIVE SESSION***

Ms. Noble presided during the executive session. Senator Bell made a motion to go into executive session under *Virginia Code* section 2.1-344.A.1 specifically to discuss personnel matters related to licensure. The motion was seconded by Mrs. Genovese and carried unanimously. The Board adjourned for Executive Session at 1:45 p.m.

Ms. Noble made a motion that the Board reconvene in open session. The motion was seconded by Mrs. Byler and carried unanimously. The Board reconvened at 2:30 p.m.

Mrs. Joan Murphy of the Attorney General's Office asked the Board to certify by roll call vote that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive session to which this certification motion applies, and (2) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Board.

Board Roll Call:

Mrs. Genovese – yes	Senator Bell - Yes
Mrs. Rogers – Yes	Senator Russell - Yes
Mrs. Byler – Yes	Mrs. Davidson - Yes
Ms. Noble – Yes	

Senator Bell made the following motion: Madam Vice President, I move that the Board of Education take the following actions relative to the licensure cases presented during the executive session:

- For Case # 1—That it be continued for further review.
- For Case # 2—To accept recommendations of superintendent's panel that
- For license be issued.
- For Case # 3—To accept recommendations of superintendent's panel to continue the case.
- For Case #4—To accept recommendations of superintendent's panel to that license be issued.

The motion was seconded by Mrs. Rogers and carried unanimously.

#### ***DISCUSSION OF CURRENT ISSUES***

There was no discussion of current issues.

#### ***ADJOURNMENT***

There being no further business of the Board of Education and the Board of Vocational Education, Ms. Noble adjourned the meeting at 2:35 p.m.

#### ***PUBLIC HEARING ON THE PROPOSED REGULATIONS GOVERNING APPROVED PROGRAMS FOR VIRGINIA INSTITUTIONS OF HIGHER EDUCATION (8 VAC 20-541)***

The following persons spoke during public comment:

Pat Schumaker  
Chuck Watson  
Patricia Kelly  
John Beach

#### ***PUBLIC HEARING ON THE PROPOSED REVISIONS TO THE REGULATIONS GOVERNING PUPIL ACCOUNTING RECORDS (8 VAC 20-110)***

There were no speakers for public comment.

Ms. Noble adjourned the public hearing on the Proposed Regulations Governing Approved Programs for Virginia Institutions of Higher Education and the public hearing on the Proposed Revisions to the Regulations Governing Pupil Accounting Records at 2:50 p.m.

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President

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Secretary